

**United States District Court**  
**EASTERN DISTRICT OF TEXAS**  
**SHERMAN DIVISION**

ANDRE HILL

V.

NEBRASKA FURNITURE MART or  
TXFM, INC. d/b/a NEBRASKA  
FURNITURE MART

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CIVIL ACTION NO. 4:23CV583

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JUDGE MAZZANT/JUDGE JOHNSON

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**MEMORANDUM ADOPTING REPORT AND  
RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the Report and Recommendation of the United States Magistrate Judge in this action (the “Report”) (Dkt. #26), this matter having been heretofore referred to the Magistrate Judge pursuant to 28 U.S.C. § 636. The Magistrate Judge recommended that Defendant Nebraska Furniture Mart or TXFM, Inc. d/b/a Nebraska Furniture Mart’s (“Defendant”) Motion to Dismiss for Lack of Subject-Matter Jurisdiction (the “Motion to Dismiss”) (Dkt. #19) be granted, and that Plaintiff Andre Hill’s (“Plaintiff”) negligence claim be dismissed without prejudice for lack of subject matter jurisdiction. On July 5, 2024, Plaintiff filed Objections (Dkt. #27) to the Report and, on July 15, 2024, Defendant filed a response thereto.

The Court has conducted a *de novo* review of the Objections and is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the Objections are without merit as to the ultimate findings of the Magistrate Judge. Accordingly, the Objections (Dkt. #27) are **OVERRULED** and the Magistrate Judge’s Report is **ADOPTED** as the findings and conclusions of the Court.

**IT IS ORDERED** that the Motion to Dismiss (Dkt. #19) is **GRANTED**, and Plaintiff’s negligence claim is dismissed without prejudice for lack of subject matter jurisdiction.

**SIGNED this 30th day of July, 2024.**

A handwritten signature in black ink, reading "Amos Mazzant". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

AMOS L. MAZZANT  
UNITED STATES DISTRICT JUDGE